

REMARKS/ARGUMENTS

Claims 1, 2, 4-7 and 17-29 are active. Claims 9-15 have been withdrawn from consideration. The specification has been revised to remove references to specific claims and the Abstract revised.

Claims 1, 2 and 4-7 have been revised for clarity. Claim 1 finds support in original claims 1, 2 and 5-7 as well as in the paragraph bridging pages 17-18, the embodiments starting on page 18 and the original claims. The 3<sup>rd</sup> to 5<sup>th</sup> embodiments specifically exemplify kneading, fermenting and aging processes. New claims 17-27 find support as follows: claim 17 (paragraph bridging pages 17-18, the embodiments starting on page 18 and the original claims; pages 1 and 19 and Fig. 1 of the disclosure refer to GABA content and page 16, lines 22-23 to GABA content of soaked grain), claim 18 (claim 8, top of page 15), claims 19-20 (claims 8 and 14, 1<sup>st</sup> embodiment, page 18), claim 21 (page 20, line 12, page 15, line 22), claims 22-24 (claims 5-7, pages 21-23, 3<sup>rd</sup> to 5<sup>th</sup> embodiments), claims 25-26 (claims 4 and 15, page 15, lines 13-16, top of page 21), and claim 27 (claim 16, page 30). Claims 28 and 29 are method of making claims and find support as described above for claims 1 and 17 as well as in original method claims 9-15.

No new matter is believed to have been introduced. Favorable consideration of this amendment and allowance of this case are respectfully requested.

Objection--Abstract

The Abstract was objected to on formal grounds. This objection is moot in view of the attached revised Abstract.

Objection--Claims

Claims 5-8 were objected to under 37 C.F.R. §1. 75(c). This objection may be withdrawn in view of the amendments above.

Rejection—35 U.S.C. §112, second paragraph

Claims 1-4 and 16 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection may be withdrawn in view of the amendments above.

Rejection—35 U.S.C. §102

Claims 1-3 were rejected under 35 U.S.C. §102(a) as being anticipated by Hiroshi, JP-2003 159017. This rejection may be withdrawn because Hiroshi does not disclose all the elements of the invention. Claim 1 now requires that the processed grain product be produced from a grain that is soaked, but not germinated. On the other hand, Hiroshi is directed to a food or food material “obtained by **germinating** one or more miscellaneous cereals”, see “Solution” section of Abstract. Thus, this rejection would not apply to the amended claims. Hiroshi (abstract) also does not disclose the flour-containing food product of claim 17, nor the kneading, fermenting and/or aging steps required to produce it and increase its content of GABA.

Rejection—35 U.S.C. §102

Claims 1-4 and 16 were rejected under 35 U.S.C. §102(a) as being anticipated by Fujio, JP 2002-335891. This rejection may be withdrawn because Fujio does not disclose all the elements of the invention. Claim 1 now requires that the processed grain product be produced from a grain that is soaked, but not germinated. Fujio in contrast is directed to a food or food material containing germinated wheat flour, see abstract. This document also

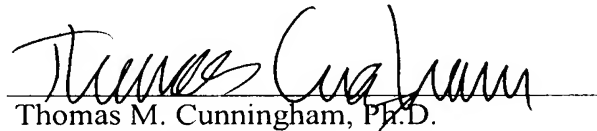
does not disclose the flour-containing food product of claim 17 that contains an added ingredient produced from soaked, but not germinated grains (or barley malt), nor the kneading, fermenting and/or aging steps required to produce it and increase its content of GABA. Therefore, this rejection would not apply to any of the pending claims.

Conclusion

This application presents allowable subject matter and the Examiner is respectfully requested to pass it to issue. The Examiner is kindly invited to contact the undersigned should a further discussion of the issues or claims be helpful.

Respectfully submitted,

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